

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MM Docket No. 00-24  
Table of Allotments, ) RM-9781  
FM Broadcast Stations. )  
(Red Lodge and Joliet, Montana) )

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: July 26, 2000**

**Released: August 4, 2000**

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Silver Rock Communications, Inc. ("Silver Rock"), the Commission has before it for consideration the Notice of Proposed Rule Making, 15 FCC Rcd 2778 (2000), requesting changes at Red Lodge and Joliet, Montana. Silver Rock filed supporting comments. No other comments were received in response to the Notice.

2. As stated in the Notice, Silver Rock proposed the substitution of Channel 257C1 for Channel 257A at Red Lodge, Montana, and modification of its license for Station KMXE-FM to specify operation on Channel 257C1. To accommodate the substitution at Red Lodge, Silver Rock requested that Channel 292C3 be substituted for vacant Channel 259C3 at Joliet, Montana.<sup>1</sup> Silver Rock filed comments stating its desire to expand the coverage area for Station KMXE-FM in order to provide a greater and more reliable broadcast service for the residents of Red Lodge and the surrounding area. Silver Rock has ascertained that the facilities of Station KMXE-FM can be upgraded from its current transmitter site provided the channel substitution is made at Joliet.

3. After careful consideration of the proposal, we conclude that the public interest would be served by the channel substitutions at Red Lodge and Joliet, Montana. The upgrade at Red Lodge will enable Station KMXE-FM to provide service to a larger area and population. A staff engineering analysis has determined that Channel 257C1 can be allotted to Red Lodge, Montana, in compliance with the Commission's spacing requirements at Silver Rock's selected site.<sup>2</sup> In order to accomplish the substitution at Red Lodge, we shall also substitute Channel 292C3 for vacant Channel 259C3 at Joliet,

<sup>1</sup> Channel 259C3 was allotted to Joliet, Montana, in MM Docket No. 99-12 at the request of Mountain West Broadcasting. The Report and Order allotting Channel 259C3 at Joliet stated that a filing window for applications would not be opened at this time but the issue of opening a window would be addressed by the Commission in a subsequent order. See Report and Order adopted June 11, 1999, DA No. 99-1145 and Public Notice released February 25, 1994, 9 FCC Rcd 1055 (1994) (FCC Freezes Comparative Proceedings).

<sup>2</sup> The coordinates for Channel 257C1 at Red Lodge are 45-11-39 and 109-20-32.

Montana.<sup>3</sup> In accordance with Section 1.420(g) of the Commission's Rules, we are herein modifying the license for Station KMXE-FM, Red Lodge, Montana, to specify operation on Channel 257C1.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective September 18, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

Community	Channel Number
Red Lodge, Montana	257C1
Joliet, Montana	292C3

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Silver Rock Communications, Inc. for Station KMXE-FM, Red Lodge, Montana, IS MODIFIED to specify operation on Channel 257C1 in lieu of Channel 257A, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall file with the Commission a minor change application for construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

6. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, **if the request is granted**, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Silver Rock Communications, Inc., licensee of Station KMXE-FM, Red Lodge, Montana, is required to submit a

---

<sup>3</sup> The coordinates for Channel 292C3 at Joliet are 45-29-06 and 108-58-18. Channel 292C3 was allotted to Joliet at the same site specified for Channel 259C3.48-19-42 and 112-02-03.

rule making fee in addition to the fee required for the applications to effect the upgrade at Red Lodge, Montana.

7. A filing window for Channel 292C3 at Joliet, Montana, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 257C1, Red Lodge, Montana, or Channel 292C3, Joliet, Montana, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau